

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 11-30 are pending.

### I. Claim Objections

In the Office Action, at page 2, numbered paragraph 1, claims 11-25 were objected to as being improper because expressions are vague and unclear.

First, the Applicants have endeavored to amend claims 11-13 and 21 in light of the Examiner's comments. In particular, the specification recites that the relay station, for example, determines whether the data has been received sufficiently well or with sufficient freedom for errors. Thus, as is inherent from the description, the relay station must have determined a set level at which the data is deemed to be received sufficiently well (i.e., the data have less than a specific number of errors). As the relay station makes the determination as to whether the data is sufficiently free from errors, each relay station make set the specific number of errors that would cause a determination as to whether the data is "sufficiently free from errors."

Second, 37 C.F.R. 1.75(c) includes no requirement that the language used in the claims exactly parallel the specification. Here, however, it does appear to parallel the specification, but the Examiner still objects to the claim terms. The Applicants respectfully submit that claims 11-25 meet the criteria specified in 37 C.F.R. 1.75(c). In particular, it is clear what is meant by "successful" or "unsuccessful" reception of data. If the reception of data is "unsuccessful", then it necessarily means that the data that was transmitted was not received in its entirety. Thus, the data that has been received has not been received successfully. Further, although the Applicants disagree with the Examiner's assertion that, for example, "successful receipt of the data" is vague or unclear, the Applicants have endeavored to amend the claims in light of the Examiner's comments.

Therefore, withdrawal of the objection to the claims is respectfully requested.

### II. Rejection under 35 U.S.C. § 102

In the Office Action, at page 2, numbered paragraph 2, claims 11-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,113,745 to Khayrallah. This rejection is respectfully traversed because Khayrallah does not discuss or suggest:

generating requests for retransmission if it is determined that the received data is not sufficiently free of errors, the requests for retransmission being generated only at the receiving station; and retransmitting the data from the transmitting station if a request for retransmission is received from the receiving station,

as recited in amended independent claim 11.

Khayrallah discusses a method of wirelessly communicating between units. In Khayrallah, a wireless communication network 10 includes a transmit unit 20, a first intermediate unit 30, a second intermediate unit 40, and a receive unit 50. The transmit unit 20 transmits signals to the intermediate units 30, 40, which evaluate the respective received signals and send information about the received signals to the transmit unit 20 on a reverse channel. The transmit unit 20 then compensates if needed based on the information provided from the intermediate units 30, 40.

While Khayrallah discusses that the intermediate units 30 and 40 evaluate the signals to determine whether the transmit unit 20 needs to compensate for any problems, fading, etc. of the signals, Khayrallah does not discuss or suggest that requests for retransmission are generated if it is determined that the received data is not sufficiently free of errors, where the requests are generated only at the receive unit 50. Khayrallah clearly discusses that any evaluation of the signals is made at the intermediate units 30, 40, which the Examiner alleges correspond with the relay stations. However, a request for retransmission does not occur, in Khayrallah, at the receive unit 50 only.

Further, Khayrallah does not discuss or suggest that the data is retransmitted from the transmit unit 20 if a request for retransmission is received from the receive unit 50. The information that is sent to the transmit unit 20 is received from the intermediate unit 30, 40 and is not received from the receive unit 50.

Therefore, as Khayrallah does not discuss or suggest "generating requests for retransmission if it is determined that the received data is not sufficiently free of errors, the requests for retransmission being generated only at the receiving station; and retransmitting the data from the transmitting station if a request for retransmission is received from the receiving station," as recited in amended independent claim 11, claim 11 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Further, Khayrallah does not discuss or suggest "acknowledging receipt of the data with an acknowledgement by the data-receiving station; and retransmitting the data in the event of

unsuccessful transmission of the data, when the acknowledgement is not received, retransmission of the data being controlled only by the transmitting station,” as recited in amended independent claim 12. Therefore, claim 12 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Also, Khayrallah does not discuss or suggest “an analyzing device to analyze said data with regard to its reception quality and produce a reception result; and a transmitting device to selectively forward the data to the receiving station, depending on the reception result of the analyzing device,” as recited in amended independent claim 26. In particular, while Khayrallah discusses that the intermediate units 30, 40 evaluate the received signals that are destined for the receive unit 50 and then send information about the received signals to the transmit unit 20 on a reverse channel so that the transmit unit 20 may compensate if needed, Khayrallah does not discuss or suggest that the intermediate units 30, 40 analyze the data with regard to reception quality, produce a reception results, and selectively forward the data to the receive unit 50, depending on the reception result. The intermediate units 30, 40 either forward information back to the transmit unit 20 if signals have been received from the transmit unit 20 or forward information back to the receive unit 50 if signals have been received from the receive unit 50. Khayrallah does not suggest that signals are received from the transmit unit 20, and then the intermediate units 30, 40 selectively forward the data to the receive unit 50, depending on a reception result produced based on the analyzed reception quality of the received data.

Therefore, claim 26 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 13-25 and 27-30 depend either directly or indirectly from independent claims 12 and 26 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 13 recites that “at least one of the relay stations checks the data received from the transmitting station with regard to reception quality, if the reception quality does not meet a determined level of quality of the received data, the relay station does not forward said data to the receiving station, and if the reception quality meets the determined level of quality of the received data, the relay station does forward said data to the receiving station.” Therefore, claims 13-25 and 27-30 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

**Conclusion**

In accordance with the foregoing, claims 11-13 and 21 have been amended. Claims 1-10 were previously cancelled. Claims 11-30 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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